IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 30290 of 2007(E)

PETITIONER:

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1. MATHUKUTTY, AGED 72 YEARS,
   AZHAKAPADATH HOUSE, THEVAKKAL, ERNAKULAM DISTRICT.

2. ALIYAMA MATHUKUTTY,W/O.MATHUKUTTY,
   AGED 68 YEARS,AZHAKAPADATH HOUSE,
   THEVAKKAL, ERNAKULAM DISTRICT.

BY ADV. SRI.R.DIVAKARAN

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY ITS
   SECRETARY TO LOCAL SELF GOVT., SECRETARIATE,
   THIRUVANANTHAPURAM.

2. DISTRICT COLLECTOR,
   ERNAKULAM DISTRICT.

3. KALAMASSERY MUNCIPALITY, REPRESENTED
   BY THE SECRETARY, MUNCIPAL BUILDING ,
   KALAMASSERY,ERNAKULAM DISTRICT.

4. VILLAGE OFFICER,TRIKKAKARA NORTH
   VILLAGE OFFICE, TRIKKAKARA, ERNAKULAM DISTRICT.

BY G.P. SRI.K.J.MUHAMMED ANZAR
SC. SRI.M.K.ABOOBACKER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) NO. 30290 of 2007

Dated this the 29th day of October , 2007

JUDGMENT

Having regard to the submissions addressed at the bar by Sri.R.Divakaran, the learned counsel for the petitioners, Sri.M.K.Aboobacker the learned Standing Counsel for the Kalamassery Municipality and Sri.Muhammed Anzar the learned Government Pleader, I am of the view that the petitioners have two alternative remedies. They can prefer appeal against Ext.P5 before the Council of the Municipality or they can have an adjudication of the dispute, which is essentially a civil dispute, before a competent civil court. Hence I relegate the petitioners to either of the remedies and dispose of this writ petition without expressing any opinion on the merits of the various grounds raised in this writ petition.

PIUS C. KURIAKOSE,
JUDGE.

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